



Fair Chance Employment Policy

Policy

Forsyth County Government is a fair chance employer and ensures that the hiring practices of the County do not unfairly deny employment to people with criminal conviction records which are not job-related.

The County will only conduct background checks on applicants or employees after the County has determined the best candidate for the position. If a statute explicitly requires that certain convictions are automatic bars to employment, then those convictions will be considered as well. Otherwise, no person shall be disqualified from employment, solely or in part because of a prior conviction, unless it is a job-related conviction. In determining if a conviction is job-related, Human Resources will consider: (a) Whether the conviction is directly related to the duties and responsibilities of that employment position; (b) Whether the position offers the opportunity for the same or a similar offense to occur; and (c) Whether circumstances leading to the conduct for which the person was convicted will recur in the position; and (d) The length of time since the offense occurred.

Definitions

Adverse action: means to refuse to hire, to not promote, to discharge a person, or to revoke an applicant's conditional offer of employment.

Applicant: means a person who has filed an application for examination to a City job position.

County: means Forsyth County, department, agency, or office thereof.

Considering Conviction History in Employment Decisions

- Posting job announcements.** All job announcements on the internet and shall contain the following statement if the position requires a background check, unless otherwise required by law: "This position is subject to a background check for any convictions directly related to its duties and responsibilities. Only job-related convictions will be considered and will not automatically disqualify the candidate."
- Job applications.** Job applications shall not inquire into an applicant's conviction history. The Sheriff's Office will continue to ask conviction-related questions on its job applications for law enforcement, detention center and telecommunications positions; however, they will ensure compliance with the North Carolina Sheriff's Education and Training Standards Commission as well as the FBI's Criminal Justice Information Services.
- Candidate Eligibility List.** A list of eligible applicants will be created based on examination results and the list will be sent to the hiring department. The hiring department will conduct interview(s) and select an individual from the list of eligible applicants.
- Limitation to conviction history.** HR shall not use or access the following criminal records in relation to a background check: records of arrest not followed by a valid conviction, sealed, dismissed, or expunged convictions, misdemeanor convictions where no jail sentence can be imposed, and infractions.
- Conviction history inquiry.** HR shall consider job-related convictions only. If a statute explicitly requires that certain convictions are automatic bars to employment, then those convictions shall be considered as well. Otherwise, no person shall be disqualified from

employment, solely or in part because of a prior conviction, unless it is a job-related conviction. In determining if a conviction is job-related, HR shall consider:

- (a) Whether the conviction is directly related to the duties and responsibilities of that employment position;
 - (b) Whether the position offers the opportunity for the same or a similar offense to occur; and
 - (c) Whether circumstances leading to the conduct for which the person was convicted will recur in the position; and
 - (d) The length of time since the offense occurred.
6. **Pre-adverse action notice.** If an applicant's conviction history contains information that may be the basis for an adverse action, HR shall:
- (a) Identify the conviction item(s) that are the basis for the potential adverse action;
 - (b) Provide a copy of the conviction history report, if any;
 - (c) Provide the applicant with an individualized assessment as described below.